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(SPACE BELOW FOR FILING STAMP ONLY)

SANDRA R. ROMERO, State Bar No. 253275

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE ESTATE OF PABLO GARCIA TORIBIO;  
PABLO GARCIA SANTOS, individually, and  
as Successor in Interest to PABLO GARCIA  
TORIBIO; MARGARITA TORIBIO  
DOMINGUEZ, an individual,

Plaintiffs,

vs.

CITY OF SANTA ROSA; THE SANTA ROSA  
POLICE DEPARTMENT; THE CHIEF OF  
POLICE FOR THE SANTA ROSA POLICE  
DEPARTMENT, HANK SCHREEDER;  
OFFICER NICHOLAS VLAHANDREAS;  
OFFICER JEFFREY BADGER; OFFICER PARK  
MCALISTER and DOES 1 through 10,  
Inclusive,

Defendants.

Case Number C 18-2151 YGR

**PLAINTIFFS' AMENDED  
RESPONSE TO OSC RE:  
MONETARY SANCTIONS;  
DECLARATION OF SANDRA  
ROMERO**

Hearing Date: January 15, 2019

Time: 2:00 p.m.

Courtroom: 1, 4<sup>th</sup> Floor – Oakland  
Judge: The Hon. Yvonne  
Gonzalez Rogers

TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF  
RECORD:

Plaintiffs THE ESTATE OF PABLO GARCIA TORIBIO, PABLO GARCIA SANTOS,  
individually, and as Successor in Interest to PABLO GARCIA TORIBIO; MARGARITA  
TORIBIO DOMINGUEZ, an individual, and their attorney of record, Sandra Romero,  
respectfully responds to the Court's OSC Re: Monetary Sanctions.

**DECLARATION OF SANDRA ROMERO**

I, Sandra Romero, declare as follows:

I am a licensed attorney, duly admitted to practice before this Court. I am the  
attorney of record in the matter of *Estate of Pablo Garcia Toribio, et al. v. City of Santa  
Rosa, et al., United States District Court Northern District of California, Case Number  
C 18-2151 YGR*. I have personal knowledge of the facts set forth herein, except as to those  
stated on information and belief and, as to those, I am informed and believe them to be  
true. If called as a witness, I could and would competently testify to the matters stated  
herein.

1.) On December 3, 2018, plaintiffs filed an administrative motion to continue non-  
expert discovery deadline of December 31, 2018 because I had a pre-paid vacation and  
would like to take depositions in mid-January 2019 upon my return. (Dkt. No. 37)  
Defendants opposed the administrative motion. (Dkt. No. 39.) On December 6, 2018, the  
Court held a telephone conference with counsel for each side concerning the motion. The  
Court allowed depositions to be taken after December 31, 2018. The Court directed the  
parties to file no later than December 10, 2018, a confirmation letter with the Court  
regarding the scheduling of depositions. Unfortunately, for reasons explained further  
below, this was not filed.

2.) On December 14, 2018, the Court ordered plaintiffs' counsel to file a response  
no later than January 8, 2019 to its Order to Show Cause with "a copy of her travel  
reservations confirming the date on which they were made." (Dkt. No. 42.)



1 3.) First, I would like to apologize for not filing a confirmation letter with the Court  
2 regarding the scheduling of the depositions and respectfully respond to the Court's OSC.

3 4.) On November 3, 2018, four flight tickets were purchased for my family (Steven,  
4 6, Olivia, 3, Gilbert Romero, and myself) to travel from Los Angeles to Tulum and to  
5 Oaxaca, Mexico. These tickets were purchased before the original scheduling of the  
6 depositions of named defendants. Pursuant to the Court's order, attached please find a copy  
7 of my credit card statement showing a purchase date of November 3, 2018.

8 5.) The depositions of defendants and investigating sheriff detectives have now been  
9 scheduled and are taking place on January 14, 15, and 16 in Santa Rosa as ordered by the  
10 Court.

11 6.) Further, on December 8, 2018, my family and I moved to our new home.  
12 Moving during this time of the year was overwhelming. It took many days to get re-  
13 organized and adjusted. During our move, my husband injured his shoulder; he was  
14 admitted to urgent care. Unfortunately, this contributed to my inability to file a confirmation  
15 letter with the Court by December 10, 2018.

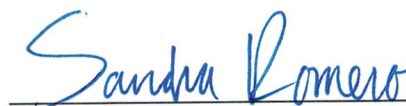
16 7.) Additionally, at the administrative hearing that took place on December 3, 2018,  
17 opposing counsel suggested that defendants may be filing a motion for summary judgment  
18 during the holidays. In light of my schedule, time constrains in opposing a motion for  
19 summary judgment, family vacation, holidays, scheduling of depositions, I thought it would  
20 be in my clients' best interest to associate co-counsel as soon as possible. I quickly reached  
21 out to colleagues. I discussed this case with attorneys Jamon Hicks and Carl Douglas of  
22 Douglas Hicks. Mr. Hicks and Mr. Douglas reviewed the file (i.e., body camera footage,  
23 reports, audio recordings, etc.) and their respective calendars. After their review, they  
24 agreed to associate. On December 19, 2018, Mr. Douglas filed a Notice of Appearance  
25 (Dkt. No. 44). Douglas Hicks has scheduled the depositions of defendant officers and  
26 investigating deputy sheriffs as ordered by the Court.

27 8.) Once again, I am very sorry for not being able to file a confirming letter by  
28 December 10, 2018. I hope that this Response and explanation responds to and satisfies  
29 the Court's OSC. If it does, I kindly request that the Court not sanction me for \$1,000 and,

1 if possible, hopefully take the OSC hearing scheduled for January 15, 2018 at 2:00 p.m.  
2 off calendar.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct.

5 Respectfully,

6 A handwritten signature in blue ink that reads "Sandra Romero". The signature is written in a cursive style with a large initial "S".

7 DATED: January 8, 2019

8 Sandra Romero



December 2018

S	M	T	W	T	F	S
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

New Balance

Minimum Payment Due

Payment Due Date  
**12/02/18**

## SOUTHWEST AIRLINES RAPID REWARDS CARD SUMMARY

+ 2X Pls for Southwest purchases

+ Points earned on all other purchases

**Total Rapid Rewards transf. to Southwest**

Learn more about your Rapid Rewards® Credit Card at [www.chase.com/southwest](http://www.chase.com/southwest). View point totals and redeem at [www.southwest.com/raccount](http://www.southwest.com/raccount). Call 1-800-I-FLY-SWA or visit [www.southwest.com](http://www.southwest.com) to book flights.

Earn 2 Rapid Rewards® Points per \$1 spent on flights purchased directly through Southwest Airlines® and on participating Rapid Rewards Hotel and Rental Car partner purchases. (like Marriott, Hyatt, Hertz and Avis) Escape faster by earning 1 point per \$1 on all other purchases.

**Late Payment Warning:** If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$37.00.

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	28 years	
	3 years	(Savings: )

If you would like information about credit counseling services, call 1-866-797-2885.

## ACCOUNT SUMMARY

Account Number:	
Previous Balance	
Payment, Credits	
Purchases	
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
<b>New Balance</b>	
Opening/Closing Date	10/06/18 - 11/05/18
Credit Access Line	
Available Credit	
Cash Access Line	
Available for Cash	
Past Due Amount	\$0.00
Balance over the Credit Access Line	\$0.00

## YOUR ACCOUNT MESSAGES

We hope you enjoy all the benefits your card has to offer and we appreciate your business. Your annual membership fee in the amount of \$5.00 will be billed on 01/01/2019. There is a transaction fee for each balance transfer and cash advance in the amount of 5.00% or \$5.00.

**This Statement is a Facsimile - Not an original**



P.O. BOX 15123  
WILMINGTON, DE 19850-5123  
For Undeliverable Mail Only

Get updates on the go  
Log on to [chase.com/alerts](http://chase.com/alerts)

**Payment Due Date:** 12/02/18  
**New Balance:**  
**Minimum Payment:**

Account number:

\$ Amount Enclosed  
Make/Mail to Chase Card Services at the address below:

SANDRA R ROMERO

CARDMEMBER SERVICE  
PO BOX 6294  
CAROL STREAM IL 60197-6294



## ACCOUNT ACTIVITY (CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
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11/03	SOUTHWES 5262405239634 800-435-9792 TX	
	1 Y LAX CUN	

11/03	SOUTHWES 5262405239676 800-435-9792 TX	
	X LAX CUN	

11/03	SOUTHWES 5262405239636 800-435-9792 TX	
	1 Y LAX CUN	

11/03	SOUTHWES 5262405239635 800-435-9792 TX	
	1 Y LAX CUN	

11/03	DELTA AIR 0062346063870 MEXICO CITY	
	1 L OAX MEX	

This Statement is a Facsimile - Not an original

## ACCOUNT ACTIVITY (CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
2 L	MEX LAX	
11/03	DELTA AIR 0062346063869 MEXICO CITY	
1 L	OAX MEX	
2 L	MEX LAX	
11/03	DELTA AIR 0062346063868 MEXICO CITY	
1 L	OAX MEX	
2 L	MEX LAX	
11/03	DELTA AIR 0062346063867 MEXICO CITY	
1 L	OAX MEX	
2 L	MEX LAX	

2018 Totals Year-to-Date
Total fees charged in 2018
Total interest charged in 2018

Year-to-date totals do not reflect any fee or interest refunds you may have received.

## INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
<b>PURCHASES</b>			
Purchases	17.99%(v)(d)	- 0 -	- 0 -
<b>CASH ADVANCES</b>			
Cash Advances	26.99%(v)(d)	- 0 -	- 0 -
<b>BALANCE TRANSFERS</b>			
Balance Transfer	17.99%(v)(d)	- 0 -	- 0 -

(v) = Variable Rate

(d) = Daily Balance Method (including new transactions)

(a) = Average Daily Balance Method (including new transactions)

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.

31 Days in Billing Period